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IN THE UNITED STATES DISTRICT COURT**DISTRICT OF UTAH, CENTRAL DIVISION**

THE SCO GROUP, INC., a Delaware
corporation,Plaintiff & Counterclaim-
Defendant,

v.

NOVELL, INC., a Delaware corporation,

Defendant & Counterclaim-
Plaintiff.**JOINT STATEMENT REGARDING
AMENDED JURY INSTRUCTIONS**

Case No. 2:04CV00139

Judge Dale A. Kimball

Pursuant to the Court's August 10, 2007 Memorandum Decision and Order, Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell"), by and through its counsel, and Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO"), by and through its counsel, filed a joint statement regarding jury instructions on August 29, 2007. Due to technical difficulties, not all of the parties' edits to the proposed instructions were incorporated into the final exhibits. The parties therefore submit this statement attaching amended proposed instructions.

As before, Exhibit 1 contains instructions as to which Novell and SCO were able to agree. Where the parties' proposed instruction involves a change to the Court's stock instruction, that change is noted in bold. If a stock instruction is not included in this list, the parties agree that such an instruction is not necessary in this matter.

Also as before, Exhibit 2 is a chart conveying each party's proposed instruction on the substantive issues in the case, along with citation to authority for the proposed instruction.

The parties are not in agreement on the substantive instructions. As a threshold matter, the parties are divided on the effect of the Court's August 10 order on the instructions and the relative burdens of proof on apportionment.

The parties commit to working together to craft joint instructions after resolution of these threshold questions.

DATED: August 31, 2007

ANDERSON & KARRENBURG

/s/ Heather M. Sneddon
Thomas R. Karrenberg
John P. Mullen
Heather M. Sneddon
Attorneys for Novell, Inc.

(Signatures continue.)

DATED: August 31, 2007

BOIES, SCHILLER & FLEXNER

/s/ Edward J. Normand
Edward J. Normand
Attorneys for The SCO Group, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2007, I caused a true and correct copy of the foregoing **JOINT STATEMENT REGARDING AMENDED JURY INSTRUCTIONS** to be served to the following:

Via CM/ECF:

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